

\*\*NOT FOR PRINTED PUBLICATION\*\*  
IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

UNITED STATES OF AMERICA

v.

THEODORE ROBERT WRIGHT III

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Crim. Action No. 6:17-CR-40

JUDGE RON CLARK

**ORDER DENYING DEFENDANT’S MOTION FOR DEFENSE COUNSEL TO BE  
PROVIDED WITH CO-DEFENDANT RAYMOND FOSDICK’S SENTENCING  
TRANSCRIPT AND PRESENTENCE INVESTIGATION REPORT**

Defendant Theodore Robert Wright, III moved for an Order disclosing co-Defendant Raymond Fosdick’s sealed sentencing transcript and, after an in camera review, any exculpatory or impeachment material in Co-Defendant Fosdick’s Presentence Report to his defense counsel, subject to a protective order permitting defense counsel to share the documents with members of their respective law firms working on this case. [Dkt. #200].

A defendant generally has a right to exculpatory or impeachment material that is contained in the presentence reports of his co-defendants. *United States v. Jackson*, 978 F.2d 903, 909 (5th Cir. 1992). “Because presentence reports are necessarily confidential, the district court should examine the report in camera and release any exculpatory or impeachment material to the defendant while protecting the confidentiality of the rest of the report.” *Id.*

After reviewing Co-Defendant Fosdick’s Presentence Investigation Report, the court has determined that the report did not contain any exculpatory or impeachment material that is not otherwise already available to Defendant Wright.

The court is unaware of any authority governing the disclosure of a Co-Defendant’s sealed sentencing transcript nor has Defendant Wright provided any authority concerning the matter. Nevertheless, the court reviewed the court reporter’s unedited transcript of Defendant Fosdick’s

sentencing hearing and determined that it also did not contain any exculpatory or impeachment material that is not otherwise already available to Defendant Wright. This comports with the court's recollection of the sentencing hearing.

IT IS THEREFORE ORDERED that Defendant Theodore Robert Wright, III's Motion for Defense Counsel to be Provided with Co-Defendant Raymond Fosdick's Sentencing Transcript and Presentence Investigation Report [Dkt. #200] is **DENIED**.

**So Ordered and Signed**

Jul 5, 2018

A handwritten signature in black ink, appearing to read "Ron Clark", written over a horizontal line.

Ron Clark, United States District Judge